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SUBJECT: SOUTH AFRICA CONFIDENT OF TIP LAW PASSAGE IN 2010

Classified By: Political Counselor Walter N.S. Pflaumer for reasons 1.4
(b) and (d).

Summary

11. (C) South African officials are more optimistic than ever that the long-awaited Bill providing comprehensive provisions for preventing and combating Trafficking in Persons (TIP) is nearing passage by Parliament. Extended consultations with the public and civil society groups caused delays in 2009, exacerbated by government turnover in a national election year. The consensus now, however, is that the Bill will be voted on when Parliament reconvenes in (late) February, and South Africa should have a TIP Law by the end of March. The Justice Ministry, source of the Bill, is committed to having a Law in place before the 2010 World Cup. Post will continue our advocacy efforts until the Bill is passed. End Summary.

SAG Consensus: TIP Law in 2010

12. (C) SAG officials have expressed confidence the TIP Bill will be passed in early 2010. Ms. Dellene Clark of the Law Reform Commission (SALRC), the body which wrote the Bill, told a Nelson Mandela Children's Fund forum (septel) she was confident the Bill would go to a vote in the next session of Parliament. Clark said she understood anti-TIP activists' frustration over the long holdup, but delays were due to thorough public consultations which would in future ensure the Bill's speedy and effective implementation. (Note: other SALRC officials have told us they learned from the errors of the Children's Act, where implementation is stalled because costs and obligations were not fully dimensioned. End Note.) An officer of the South African Embassy in Washington told a G/TIP officer the Bill had been delayed by administrative hurdles in 2009 (i.e. national elections introducing a new crop of inexperienced MPs), but she was "convinced" the Bill would be passed when Parliament reconvened in (late) February.

13. (C) Most significantly, an insider from the SAG ministry responsible for introducing the Bill privately assured us that the Minister will do so at the very next opportunity. Poloff met on December 11 with Advocate Shireen Said, officer in charge of Promotion of the Rights of Vulnerable Groups (which includes the TIP mandate) within the Office of the Director General, at the Department of Justice and Constitutional Development (DoJCD). Said confided that the TIP Bill was the "number one priority" on the DoJCD's legislative agenda, and hence it would be the first Bill the Justice Committee would introduce to Parliament in its 2010 session. (Please close hold: she noted that she and her Deputy Minister Andries Nel had been summoned in late October to a closed-door Cabinet session reviewing the Bill, in preparation for the 2010 passage.) Her comments echoed Nel's own assurances to G/TIP Ambassador CdeBaca in July 2009, when

Nel said the Minister aimed to have TIP legislation in place by 2010.

Post Advocacy Opportunities

¶4. (C) Said suggested Embassy lobbying could be helpful in adding impetus to the SAG's already real sense of urgency. An informal breakfast between senior emboffs and Deputy Minister Nel would be a suitable follow up to the Nel-CdeBaca breakfast, an opportunity to reiterate our strong desire to see the TIP Bill passed, and the USG's interest in offering interagency support to the SAG's counter-TIP efforts. Further, senior poloffs could lobby Ngoako Ramatlhodi, Chair of the parliamentary Justice Committee, again stressing our interest in seeing the Bill moved to the parliamentary floor without delay. Thirdly, Said encouraged emboffs to attend (along with TIP officers of the UN Office on Drugs and Crime) at the Justice Committee's deliberations, where although outsiders were not invited to speak, their presence would register their continued interest.

¶5. (C) Post will pursue these and other opportunities to continue urging the SAG to pass the TIP Bill. We will continue to keep the Department informed of any new developments.

GIPS